Applicants:	Boris Ginzburg et al.	Assignee:	Intel Corporation
Serial Number:	10/658,614	Attorney Docket:	P-5911-US

REMARKS

Applicants have carefully studied the Office Action. This paper is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Status of the Claims

Claims 1-33 are pending in the Application. Claims 1, 9, 11, 17, 19, 22, 25, and 31 have been amended. No new matter has been added.

Claim Objections

The Office Action objected to claim 32 because of an informality. Applicants respectfully submit that the amendment to claim 32 in Applicants' June 14, 2007 amendment overcame this objection.

Claim Rejections Under 35 USC §112

The Office Action rejected claims 1, 9, 19, 22, 25 and 31 under 35 USC §112 as being incomplete for omitting essential steps.

While Applicants assert that claims 9 as pending before the filing of this paper comply with 35 USC §112, Applicants respectfully submit that in view of the current amendments to claims 1, 9, 19, 22, 25, and 31, the Section 112 rejection of claims 1, 19, 22, 25, and 31 should be withdrawn.

Claim Rejections Under 35 USC §103(a)

The Office Action rejected claims 1-33 under 35 USC §103(a) as being unpatentable over Fischer et al. ("Fischer"), U.S. Patent No. 5,889,772, in view of Diener, U.S. Patent Application Publication No. 2004/0047324.

Applicants respectfully traverse the rejection of claims 1-33 under 35 USC §103(a) as being unpatentable over Fischer in view of Diener.

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Amended independent claims 1, 19, 22, 25 and 31 recite in paraphrase, adjusting a data rate (in the case of claim 1, transmission parameters) if a difference determined by the comparison between said first packet error rate and said second packet error rate indicates that said first packet rate is attributable to collisions. Applicants respectfully submit that Fischer lacks these limitations. In particular, as stated by the Examiner, "Fischer et al. as modified by Diener fails to specifically disclose the comparison of the first error rate with the second error rate" and further using the difference as determined by the comparison as the basis for adjusting a data rate or transmission parameters.

Fischer uses only a single measurement to adjust request to send protection (Fischer's airtime reservation) directly:

> In accordance with one aspect of the invention, the control unit determines whether an airtime reservation is provided for transmission of each of the frames, and dynamically adjusts a threshold level for transmission of the airtime reservation requests to the destination station, based on the number of attempts made to transmit a frame to the destination and the number of failures to received an acknowledgement, when the airtime reservation is not provided for transmission of the frame.

(Fischer, column 4, lines 52-60, emphasis added). There is no disclosure of a step comparing when the airtime reservation is provided and when it is not provided and no disclosure of adjusting a data rate based on this comparison.

The Diener reference does not cure the deficiencies of Fischer. The Examiner does not assert that Diener has the comparison of the first and second packet error rates, and in fact Diener lacks this comparison and the adjustment based on this comparison.

Since neither of Fischer and Diener, alone or in combination, includes all elements of Applicants' claims 1, 19, 22, 25 or 31, as amended, Applicants respectfully submit that independent claims 1, 19, 22, 25, and 31 are patentable over Fischer and Diener, alone or in combination.

Each of claims 2-8, 20-21, 23-24, 26-30, and 32-33 depends from one of claims 1, 19, 22, 25, and 31, and includes all of the features of one of these independent claims as well as additional distinguishing features, and is therefore similarly patentable.

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With respect to independent claim 9, the Examiner has asserted that Fischer discloses "calculating a first bit error rate of request to send frames." Applicants respectfully submit that Fischer lacks this limitation.

In particular, Fischer fails to disclose a bit error rate of request to send frames either with or without request to send protection. Fischer does not distinguish between data frame and request to send frames when collected statistics, and instead only collects data on all attempts, e.g. frames, sent with or without request protection (See Fischer FIG. 7, column 4 lines 52-68). No separate collection statistic for request to send frame is disclosed. The Diener reference does not cure the deficiencies of Fischer. In particular, Diener also fails to disclose a separate calculation for request to send frames.

Since neither of Fischer and Diener, alone or in combination, include all elements of Applicants' claim 9, independent claim 9 is patentable over Fischer and Diener, alone or in combination.

Each of claims 10-18 depends from claim 9 and includes all of the features of claim 9 as well as additional distinguishing features, and is therefore similarly patentable.

In view of the above, Applicants respectfully request that the rejection of claims 1-33 under 35 USC §103(a) as being unpatentable over Fischer in view of Diener be withdrawn.

Conclusion

In view of the foregoing remarks, and for at least the reasons discussed above, Applicants respectfully submit that the pending claims are allowable. Their favorable reconsideration and allowance are respectfully requested.
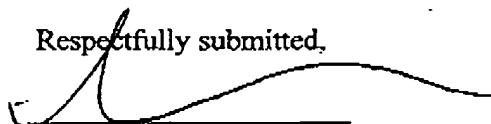
Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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No fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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